

SENATE BILL NO. 339

INTRODUCED BY JOE BALLYEAT, BLACK, ROUSH, TASH, TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ISSUANCE OF A FREE RESIDENT WILDLIFE CONSERVATION LICENSE OR FREE RESIDENT WILDLIFE CONSERVATION, A HALF-PRICE REDUCED-RATE CLASS AAA RESIDENT COMBINATION SPORTS, AND CLASS A RESIDENT FISHING LICENSES LICENSE FOR RESIDENT MONTANA NATIONAL GUARD, FEDERAL RESERVE, AND ACTIVE DUTY MILITARY PERSONNEL RETURNING FROM A AN OUT-OF-STATE CONTINGENCY OPERATION IN THE YEAR OF OR YEAR FOLLOWING THE SERVICE MEMBER'S RETURN AND IN EACH OF THE SUCCEEDING 4 YEARS THE FOLLOWING YEAR; ALLOWING RESIDENT MONTANA NATIONAL GUARD, FEDERAL RESERVE, AND ACTIVE DUTY MILITARY PERSONNEL WHO HAVE SERVED IN CONTINGENT OPERATIONS AN OUT-OF-STATE CONTINGENCY OPERATION SINCE SEPTEMBER 11, 2001, AN OPPORTUNITY TO OBTAIN THE FREE LICENSES HALF-PRICE FREE OR REDUCED-RATE LICENSE FOR A 5-YEAR 2-YEAR PERIOD TO COMMENCE IN 2006 OR 2007; AMENDING SECTIONS 87-2-202, 87-2-202, 87-2-301, 87-2-711, AND 87-2-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1. Section 87-2-202, MCA, is amended to read:~~

~~"87-2-202. Application -- fee -- expiration. (1) A Except as provided in 87-2-803(11), a wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license pursuant to 87-2-803(11). It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.~~

~~———— (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.~~

~~———— (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$6.25, of which 25 cents is a search and rescue surcharge.~~

~~———— (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$9.25, of which 25 cents is a search and rescue surcharge.~~

~~———— (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.~~

~~———— (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.~~

~~———— (4) Licenses issued are void after the last day of February next succeeding their issuance.~~

~~———— [(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]~~

~~———— (6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Subsections (3)(c) and (3)(d) terminate March 1, 2006--sec. 9, Ch. 216, L. 2001; bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001; the \$2 wildlife conservation license fee increases in subsections (3)(a) and (3)(b) void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"~~

1
2 ~~Section 2. Section 87-2-301, MCA, is amended to read:~~

3 ~~"87-2-301. Class A--resident fishing license. Any A resident, as defined by 87-2-102, upon payment~~
4 ~~of a fee of \$11 beginning March 1, 1992, and \$13 beginning March 1, 1994, shall \$13, unless the resident is a~~
5 ~~service member eligible for a free Class A license pursuant to 87-2-803(11), is entitled to receive a Class A~~
6 ~~license which shall entitle that authorizes the holder thereof of the license to fish with hook and line or rod as~~
7 ~~authorized by regulations of the department."~~

8
9 SECTION 1. SECTION 87-2-202, MCA, IS AMENDED TO READ:

10 **"87-2-202. Application -- fee -- expiration.** (1) A Except as provided in 87-2-803(11), a wildlife
11 conservation license must be sold upon written application. The application must contain the applicant's name,
12 age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying
13 length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien
14 and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana
15 driver's examiner's identification card, or other identification specified by the department to substantiate the
16 required information when applying for a wildlife conservation license. It is the applicant's burden to provide
17 documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license
18 or to receive a free wildlife conservation license pursuant to 87-2-803(11). It is unlawful and a misdemeanor for
19 a license agent to sell a wildlife conservation license to an applicant who fails to produce the required
20 identification at the time of application for licensure.

21 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be
22 recorded according to rules that the department may prescribe.

23 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$6.25, of which 25 cents
24 is a search and rescue surcharge.

25 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$9.25, of which 25 cents
26 is a search and rescue surcharge.

27 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the
28 wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access
29 enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage
30 enhanced hunting access through the hunter management and hunting access enhancement programs

1 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
2 the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only
3 once during any license year.

4 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses
5 the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced
6 outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access
7 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage
8 enhanced hunting access through the hunter management and hunting access enhancement programs
9 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
10 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable
11 only once during any license year.

12 (4) Licenses issued are void after the last day of February next succeeding their issuance.

13 [(5) The department shall keep the applicant's social security number confidential, except that the
14 number may be provided to the department of public health and human services for use in administering Title
15 IV-D of the Social Security Act.]

16 (6) The department shall delete the applicant's social security number in any electronic database [5
17 years after the date that application is made for the most recent license]. (Subsections (3)(c) and (3)(d) terminate
18 March 1, 2006--sec. 9, Ch. 216, L. 2001; bracketed language terminates or is amended on occurrence of
19 contingency--sec. 3, Ch. 321, L. 2001; the \$2 wildlife conservation license fee increases in subsections (3)(a)
20 and (3)(b) void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

21
22 **Section 2.** Section 87-2-711, MCA, is amended to read:

23 **"87-2-711. (Temporary) Class AAA--combination sports license.** (1) A resident, as defined by
24 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the
25 license is issued is entitled to:

26 (a) ~~upon payment of the sum of \$54, plus the resident hunting access enhancement fee in~~
27 ~~87-2-202(3)(c);~~ a combination sports license that permits a holder who is 12 years of age or older to exercise
28 all rights granted to holders of Class A, A-1, A-3, and A-5; licenses and resident conservation licenses as
29 prescribed in 87-2-202 upon payment of the sum of \$54, plus the resident hunting access enhancement fee
30 provided for in 87-2-202(3)(c), unless OR IF the resident is a service member eligible for a free HALF-PRICE

~~combination sports license FOR \$25 pursuant to 87-2-803(11), UPON PAYMENT OF \$29, PLUS THE RESIDENT HUNTING ACCESS ENHANCEMENT FEE PROVIDED FOR IN 87-2-202(3)(C); or~~

~~(b) upon payment of the sum of \$64, plus the resident hunting access enhancement fee in 87-2-202(3)(e); a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license upon payment of the sum of \$64, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(C); unless the resident is a service member eligible for a free HALF-PRICE combination sports license pursuant to 87-2-803(11).~~

(2) The department may furnish each holder of a combination sports license an appropriate decal. (Terminates March 1, 2006--sec. 9, Ch. 216, L. 2001.)

87-2-711. (Effective March 1, 2006) Class AAA--combination sports license. (1) A resident, as defined by 87-2-102, who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued is entitled to:

(a) ~~upon payment of the sum of \$54, a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted to holders of Class A, A-1, A-3, and A-5; licenses and resident conservation licenses as prescribed in 87-2-202 upon payment of the sum of \$54, unless OR IF the resident is a service member eligible for a free HALF-PRICE combination sports license FOR \$25 pursuant to 87-2-803(11), UPON PAYMENT OF \$29, PLUS THE RESIDENT HUNTING ACCESS ENHANCEMENT FEE PROVIDED FOR IN 87-2-202(3)(C);~~ or

~~(b) upon payment of the sum of \$64, a combination sports license that permits a holder who is 12 years of age or older to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license upon payment of the sum of \$64, unless the resident is a service member eligible for a free HALF-PRICE combination sports license pursuant to 87-2-803(11).~~

(2) The department may furnish each holder of a combination sports license an appropriate decal."

Section 3. Section 87-2-803, MCA, is amended to read:

"87-2-803. Persons with disabilities -- service members -- definitions. (1) Persons with disabilities are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if they are residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental rule. A person who has purchased a conservation license and a resident fishing license or game bird license

1 for a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing
2 license or game bird license previously purchased for that license year. A person who is certified as disabled
3 pursuant to subsection (3) and who was issued a permit to hunt from a vehicle for license year 2000 or a
4 subsequent license year is automatically entitled to a permit to hunt from a vehicle for subsequent license years
5 if the criteria for obtaining a permit does not change.

6 (2) A resident of Montana who is certified as disabled by the department and who is not residing in an
7 institution may purchase regular resident deer and elk licenses at one-half the fee paid by a resident who is 15
8 years of age or older and who is under 62 years of age. A person who has purchased a conservation license
9 and a resident deer license or resident elk license for a particular license year and who is subsequently certified
10 as disabled is entitled to a refund for the deer license or elk license previously purchased and reissuance of the
11 license for that license year at the rate established in this subsection.

12 (3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle,
13 on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to
14 subsection (8). The department shall adopt rules to establish a voluntary board or boards of review to resolve
15 any disputes over whether a person meets the criteria established in subsection (8). Each board must have at
16 least one Montana-licensed physician as a member.

17 (4) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection as
18 a permitholder, may hunt by shooting a firearm from the shoulder, berm, or barrow pit right-of-way of a public
19 highway, as defined in 61-1-202, except a state or federal highway, or may hunt by shooting a firearm from
20 within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way in a manner
21 that will not impede traffic or endanger motorists or that is parked in an area, not a public highway, where hunting
22 is permitted. This subsection does not allow a permitholder to shoot across the roadway of any public highway
23 or to hunt on private property without permission of the landowner. A permitholder must have a companion to
24 assist in immediately dressing any killed game animal. The companion may also assist the permitholder by
25 hunting a game animal that has been wounded by the permitholder when the permitholder is unable to pursue
26 and kill the wounded game animal. Any vehicle from which a permitholder is hunting must be conspicuously
27 marked with an orange-colored international symbol of persons with disabilities on the front, rear, and each side
28 of the vehicle, or as prescribed by the department.

29 (5) (a) A resident of Montana who is certified by the department as experiencing blindness, as defined
30 in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee of \$10. The

1 license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by department
2 rule. An applicant for a license under this subsection need not obtain a wildlife conservation license as a
3 prerequisite to licensure.

4 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may
5 be issued regular resident deer and elk licenses in the manner provided in subsection (2), and must be
6 accompanied by a companion, as provided in subsection (4).

7 (6) The department shall adopt rules to establish the qualifications that a person must meet to be a
8 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled
9 person.

10 (7) As used in this section, "disabled person", "person with a disability", or "disabled" means or refers
11 to a person experiencing a condition medically determined to be permanent and substantial and resulting in
12 significant impairment of the person's functional ability.

13 (8) A person is entitled to a permit to hunt from a vehicle if the person:

14 (a) is certified by a licensed physician to be dependent on an oxygen device or dependent on a
15 wheelchair, crutch, or cane for mobility;

16 (b) is an amputee above the wrist or ankle; or

17 (c) is certified by a licensed physician to be unable to walk, unassisted, 600 yards over rough and
18 broken ground while carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25
19 pounds.

20 (9) Certification by a licensed physician under subsection (8) must be on a form provided by the
21 department.

22 (10) A person who disagrees with a determination of eligibility for a permit to hunt from a vehicle may
23 request a review by a voluntary board of review pursuant to subsection (3).

24 (11) (a) A Montana resident who is a member of the Montana national guard, the federal reserve as
25 provided in 10 U.S.C. 10101, or was otherwise engaged in active duty and who participated in a contingency
26 operation as provided in 10 U.S.C. 101(a)(13) THAT REQUIRED THE MEMBER TO SERVE AT LEAST 6 MONTHS OUTSIDE
27 OF THE STATE, upon request and upon presentation of the documentation described in subsection (11)(b), must
28 be issued a resident wildlife conservation license, a HALF-PRICE FREE RESIDENT WILDLIFE CONSERVATION LICENSE
29 OR A Class AAA resident combination sports license FOR \$25, EXCEPT WHICH MAY NOT INCLUDE A BEAR LICENSE,
30 FOR \$29, PLUS THE RESIDENT HUNTING ACCESS ENHANCEMENT FEE PROVIDED FOR IN 87-2-202(3)(C), and a Class A

~~resident fishing license free of charge~~ in the license year that the member returns from military service or in the year following the member's return, based on the member's election, and in ~~any of the 4~~ THE license years YEAR after the member's election. ~~Members~~ A MEMBER who participated in ~~contingency operations~~ A CONTINGENCY OPERATION between September 11, 2001, and February 28, 2006, THAT REQUIRED THE MEMBER TO SERVE AT LEAST 6 MONTHS OUTSIDE OF THE STATE may make ~~their~~ AN election in 2006 or 2007 and be entitled to a ~~resident wildlife conservation license, a HALF-PRICE FREE RESIDENT WILDLIFE CONSERVATION LICENSE OR A \$25 Class AAA resident combination sports license, and a Class A resident fishing license free of charge~~ in the year of election and ~~any of the 4~~ THE license years YEAR after the member's election.

(b) To be eligible for the ~~free wildlife conservation~~ HALF-PRICE FREE RESIDENT WILDLIFE CONSERVATION LICENSE OR REDUCED-RATE CLASS AAA RESIDENT COMBINATION SPORTS license provided for in subsection (11)(a), an applicant shall, in addition to the written application and proof of residency required in 87-2-202(1), provide to any ~~licensing agent~~ REGIONAL DEPARTMENT OFFICE OR TO THE DEPARTMENT HEADQUARTERS IN HELENA, BY MAIL OR IN PERSON, the member's DD form 214 ~~or other appropriate documentation, as determined by the department of fish, wildlife, and parks,~~ verifying the member's release or discharge from active duty. ~~The documentation must indicate~~ THE APPLICANT IS RESPONSIBLE FOR PROVIDING DOCUMENTATION SHOWING that the applicant participated in a contingency operation as provided in 10 U.S.C. 101(a)(13)."

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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